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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 13 August 1999, at 3 p.m.

Chairman: Mr. RIBOT HATANO

later: Mr. MEHEDI

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The meeting was called to order at 3 p.m.

THE IMPLEMENTATION OF HUMAN RIGHTS WITH REGARD TO WOMEN

(a) TRADITIONAL PRACTICES AFFECTING THE HEALTH OF WOMEN AND THE GIRL CHILD

(b) THE ROLE AND EQUAL PARTICIPATION OF WOMEN IN DEVELOPMENT

(agenda item 5) (continued) (E/CN.4/Sub.2/1999/13, E/CN.4/Sub.2/1999/14, E/CN.4/Sub.2/1999/NGO/5)

1. Mr. LITTMAN (Association for World Education) quoted a study published recently by the International Jewish Women's Human Rights Watch in Jerusalem, in which the author stated that it was not only in Muslim and Catholic countries that women's rights were violated in matters of marriage and divorce. Jewish religious law on those specific points, as interpreted by Orthodox rabbis, was incompatible with the international human rights instruments, including the Beijing Declaration and Platform for Action. Until the Orthodox religious establishment accepted a compromise, the rights of Jewish women seeking to divorce would continue to be flouted.

2. Referring to the situation of women in Afghanistan, he drew attention to resolution 1998/17, which the Sub-Commission had adopted the previous year on that subject. The sixth preambular paragraph of the resolution stated: "Fully aware that the Cairo Declaration on Human Rights in Islam ... guarantees the rights of women in all fields". The Cairo Declaration on Human Rights in Islam in fact established Shariah law as the supreme reference for human rights, placing it above the Universal Declaration of Human Rights, and the Association for World Education regretted to have to point out that an instrument based on any one religion could not be considered as an instrument applicable to the international community as a whole. It was thus totally unjustified for the Office of the High Commissioner for Human Rights to have included the Cairo Declaration among regional human rights instruments in the second volume of the recently published Compilation of International Instruments. He wished to emphasize that the Cairo Declaration was not a regional instrument.

3. With regard to traditional practices affecting the health of women and the girl child, a shameful euphemism for female genital mutilation, he drew attention to the statement which the association he represented had made to the Commission on Human Rights on 14 April 1999 concerning that plague, which should be labelled a "crime against women".

4. Ms. CECHUROVA (Transnational Radical Party) expressed her appreciation for the report by the Secretary-General on the situation of women in Afghanistan (E/CN.4/Sub.2/1999/13). It would appear from the report that the Taliban authorities were beginning to take a more flexible attitude, particularly in some urban areas, with regard to women's access to education, employment and health care. However, in view of the absence of United Nations agencies and the very limited presence of humanitarian organizations in Afghanistan, it was to be feared that violence, including physical violence, against Afghan women would remain largely hidden.

5. Religious law and customs could not be allowed to prevail over international law and humanitarian rules. In that connection, the Transnational Radical Party wished to point out that a body of the United Nations, namely the United Nations International Drug Control Programme (UNDCP), had concluded an agreement with the Taliban. That agreement, which involved a considerable amount of money, was apparently aimed at the eradication of poppy straw in Afghanistan. Apart from its questionable efficiency, that step was likely to provide legitimacy to the regime put in place by the Taliban.

6. In conclusion, the Transnational Radical Party supported all the recommendations contained in the Secretary-General's report on the situation of women and girls in Afghanistan, including the establishment of a dialogue under the auspices of the United Nations to ensure the protection of Afghan women's rights. It was convinced that, with the exception of humanitarian aid, all programmes of cooperation with Afghanistan should be suspended.

Mr. Mehedi took the Chair.

7. Ms. BERINGER (World Organization against Torture) said that her organization had just completed a study on violence against women in 78 countries around the world.

8. In Asia, and particularly in India and China, sex-selective abortions and infanticide had led to a considerable decrease in the female population. The World Health Organization reported that the sex ratio stood at 117 boys to 100 girls in China. Other consequences of son preference were the neglect of girls in all fields and the promotion of early marriage, which could lead to early childhood pregnancy.

9. In Argentina and Bolivia, when a girl was raped she might be forced to marry the rapist. In Pakistan, a female rape victim could even be prosecuted for fornication or adultery, especially if no traces of bodily injury were found.

10. Despite some encouraging signs of progress with new legislation and procedures, the information received from the different sources showed that, in the overwhelming majority of cases, States were failing to meet their obligations to prevent, investigate, prosecute and punish violence against women.

11. Unable to ignore that situation, the World Organization against Torture had established a system of urgent appeals to assist the victims. It had, for example, highlighted the case of Margaret Arach, a Ugandan victim who had been physically and psychologically abused by her husband.

12. Her organization deplored the lack of an international instrument dealing explicitly with gender-specific forms of violence against women. It was also regrettable that, despite the provisions on that subject in the Vienna Declaration and Programme of Action, the treaty bodies had not fully integrated a gender perspective in their work. The Sub-Commission must insist that all United Nations human rights mechanisms and bodies pay special

attention to gender-specific forms of violence and collaborate actively with the Special Rapporteur on violence against women to find concrete means of putting an end to such practices.

13. Ms. BERAUN (American Association of Jurists) said that the organization she represented had on numerous occasions emphasized women's crucial contribution to national economies, a contribution that was in fact a form of subsidy never reflected in the statistics. The American Association of Jurists had also denounced the discrimination experienced by women in the field of employment, in terms of both remuneration and job security and promotion. Today, invoking market laws and a supposed need for greater cost effectiveness, States had cut some social services, such as child-care facilities and free school meals, and women therefore had to work even harder to fill the gap. In that light, some thought might be given to what the concept of women's participation in development actually meant. A number of studies suggested that participation in development was a euphemism, often involving poorly paid or unpaid work performed by women for the benefit of the community. It was as though society believed that women could be exploited endlessly.

14. Child labour associated with extreme poverty was another contemporary phenomenon that was manifested particularly in developing countries, but it also affected the developed countries, especially those which, like the United States and the United Kingdom, applied neoliberal policies. Those policies took no account of the individual human being. In such countries, international human rights standards were subordinated to the concerns of productivity, competition and above all the accumulation of enormous profits for those who held power and capital resources.

15. She wished to take the opportunity to make an urgent appeal to the Sub-Commission on behalf of a number of female political prisoners in Peru. Those women, one of whom was called María Concepción Pincheira, had been beaten by the police for agreeing to an interview with Chilean journalists. The American Association of Jurists urged Red Cross staff to pay a fact-finding visit to those prisoners.

16. Ms. LEVERGER (France-Libertés) drew attention to the sufferings of women in the Balkans, many of whom had been victims of collective or individual rape. Such cases had occurred in the town of Foca, for example, where many Muslim women had been placed in a camp precisely in order to be raped. Similar crimes had been perpetrated in Kosovo, both by Serbs against women belonging to families that supported the UCK and by members of the UCK to punish families if one family member had worked for the Serbs. France-Libertés called for all those guilty of rape in the former Yugoslavia to be brought to justice.

17. France-Liberté furthermore joined with other NGOs in emphasizing the dramatic situation of Afghan women, who were victims of sometimes lethal acts of discrimination. Women in Afghanistan were being prevented from receiving medical care and men preferred to leave them in front of hospitals when they were about to die rather than risk punishment from the Taliban. France-Libertés urged the Sub-Commission to do everything possible to protect the rights of Afghan women.

18. Mr. CHANG HWAN (International Association of Democratic Lawyers) said that, although women were making a major contribution to social development, their dignity and rights continued to be flouted. The Sub-Commission should find practical ways and means to put an end to violations of women's rights. The situation of women reduced to sexual slavery by the Japanese army during the Second World War was a particularly grave manifestation of such violations. Those atrocities were now fully disclosed, but Japan continued to adopt an evasive stand concerning its responsibilities. In addition, the situation of Koreans living in Japan was a matter of concern, as Korean children could not receive a proper national education. The International Association of Democratic Lawyers requested the Sub-Commission and the international community to urge the Japanese Government to demonstrate its will to remedy past crimes with practical action, including due compensation for the victims and their families.

19. Mr. GUISSE commended Ms. Warzazi on her clear and very comprehensive report on the situation regarding the eradication of traditional practices affecting the health of women and the girl child (E/CN.4/Sub.2/1999/14). Such traditional practices could not be expected to disappear overnight. Ending them would take time and it was especially important to inform the public about their consequences for women's physical and mental health.

20. He felt, like Ms. Warzazi, that a problem related to traditions should not be dealt with by penal measures. Otherwise, "innocent" - or uninformed - persons might be brought before the courts not even realizing that they had committed an offence. The practices in question had to be stopped without trauma for the people concerned and that would mean instituting arrangements that focused on raising awareness rather than taking tough legal action.

21. Mr. PINHEIRO (Rapporteur) congratulated Ms. Warzazi on the quality of her report, which contributed to a better understanding of the problem caused by the practices that persisted in some countries, as well as the cultural aspects of those practices.

22. He felt that the Sub-Commission should call upon Governments and non-governmental organizations to cooperate more actively with the Rapporteur and to support the proposal to hold three regional seminars on the question, in Africa, Asia and Europe. Those seminars would help in formulating effective strategies to combat the adverse effects of the traditional practices in question, while respecting cultural diversity.

23. Ms. McDOUGALL said that she wished to focus on the gender dimensions of racial discrimination. She welcomed the fact that United Nations bodies, and in particular the Sub-Commission, were paying special attention to the human rights of women. A complete analysis of the gender dimensions of racial and other forms of discrimination was of critical importance to removing all obstacles to equality encountered by both men and women. As had been recognized at the World Conference on Human Rights and at the Fourth World Conference on Women, the promotion and protection of human rights in general did not automatically promote and protect women's rights.

24. Racial discrimination did not always affect women and men in the same way; there were circumstances in which racial discrimination solely or

primarily affected women. Land reform in indigenous communities must therefore address women's rights to own and inherit land and property. Also, by looking closely at data relating to discrimination in employment, one might expose a host of issues that affected women members of disadvantaged racial or ethnic groups.

25. The United Nations Development Fund for Women (UNIFEM) and the United Nations Division for the Advancement of Women had done useful work to develop guidelines and practical steps for conducting a gender analysis of various forms of discrimination, including racial discrimination. Statistics compiled on racial groups must also be disaggregated by gender within those racial groupings to highlight disparities in treatment and patterns of discrimination based on race and on gender, as well as on the intersection of both race and gender. However, a comprehensive analysis needed to go further. It must focus on the different roles of men and women in society and show how those differences added to the burdens of women in disadvantaged communities.

26. The Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance had made efforts to report on racial discrimination as it specifically affected women in various contexts (E/CN.4/1996/72/Add.1 and E/CN.4/1995/78/Add.1). The Special Rapporteur on violence against women had also addressed issues of racial discrimination in her reports (E/CN.4/1995/78/Add.1 and E/CN.4/1997/47/Add.3). For its part, the Committee on the Elimination of Racial Discrimination had examined the many areas in which the combination of gender and race strengthened discrimination. The work of the special rapporteurs and of the Committee on the Elimination of Racial Discrimination deserved the attention of all the United Nations human rights mechanisms, including the Sub-Commission, and she hoped that the latter would include a focus on those issues in its preparatory work for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

27. Ms. BIONDI BIRD (International Confederation of Free Trade Unions) urged the Sub-Commission to take a stand on the persistent inequalities between men and women, particularly at the workplace, in both developed and developing countries. In the United States, wage discrimination represented a total loss of income of some $200 billion a year for women workers and particularly affected single mothers in the poorer strata.

28. Women's rights also had to be protected in the area of nutrition. In that regard, statistics provided by the Food and Agriculture Organization of the United Nations (FAO) showed that women were responsible for more than half of the world's total food production, and that proportion was even higher in rural areas of the developing world. With regard to education, more than half of the children not attending primary school in developing countries were girls, and women represented nearly two thirds of illiterate adults. At its seventh world women's conference, the International Confederation of Free Trade Unions had identified several goals to achieve equality for women at the workplace: inclusion of gender issues in collective bargaining; equal wages for work of equal value; access for women to promotion and high-level positions; gender awareness-raising for men workers as well as employers (combating violence and harassment at the workplace); and vocational training and continuous training for women.

29. Ms. FUTEHALLY (Himalayan Research and Cultural Foundation) welcomed the Sub-Commission's concern to address the issue of the implementation of human rights with regard to women and its appointment of a Special Rapporteur on violence against women, including its causes and its consequences. The reports on traditional practices affecting the health of women and the girl child had helped to expose the abuses to which women were subjected in different parts of the world.

30. In Afghanistan, as indicated in the report of the Secretary-General on the situation of women and girls in that country (E/CN.4/Sub.2/1999/13), women were particularly affected by the 20 years of conflict. In the name of religion, the Taliban had denied women all their rights and even prohibited their access to health care. The Sub-Commission must study that question seriously, since Afghan women were not only losing everything they had gained, but were in some cases even being brutally tortured and killed.

31. The influence of the Taliban could be felt in Pakistan, where existing laws were biased against women, and in the Indian State of Jammu and Kashmir, where a number of women had been killed by hanging or shot dead. Recently, two schoolgirls aged 12 years had been shot in the legs in a locality of Srinagar for wearing skirts.

32. The Sub-Commission must take note of that phenomenon, which was all the more disturbing for the future of Muslim women because it was gradually spreading to other parts of the world, and must devise appropriate mechanisms to deal with the situation.

33. Mr. CHANG HEUNG (Asian Women's Human Rights Council) said that the organization he represented welcomed the report submitted by Ms. Coomaraswamy on violence against women (E/CN.4/1999/68).

34. In Japan, there had been about 200 cases of violations of the rights of minorities during the current decade. Most of those cases involved violence against Korean schoolgirls wearing their national costume. The girls had been attacked by Japanese, who had slashed or ripped their clothes. One of those acts had been committed in a train and the many passengers who had witnessed it had failed to come to the victim's defence. Such acts stemmed from Japan's colonial stance towards Korea, a policy which sought to eliminate signs of Korean culture and was manifested in part through the denigration of Korean women's national costume. In 1994 there had been a resurgence of such incidents when the Japanese Government had announced its intention to protest against North Korea, which at the time was suspected of developing nuclear weapons.

35. The Special Rapporteur of the Sub-Commission should conduct an immediate investigation into those violations.

36. Ms. RAS-WORK (International Movement for Fraternal Union Among Races and Peoples - UFER), speaking on behalf of her organization and of the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC), commended Ms. Warzazi for her report, which clearly described the extent and complexity of the problem.

37. In that regard, UFER welcomed resolution 53/117 in which the General Assembly had called upon all States to develop and implement national legislation and policies prohibiting traditional or customary practices affecting the health of women and girls. IAC wished to congratulate the Governments of the African countries which had taken measures to stop the practice of female genital mutilation and hoped that mechanisms of information and education would be put in place for effectively implementing those measures.

38. In May 1999, representatives of the West African States had met in Burkina Faso to adopt common strategies to reinforce the campaign against female genital mutilation. Those strategies were outlined in the Ouagadougou Declaration (cited in the annex to the Special Rapporteur's report (E/CN.4/Sub.2/1999/14)) which had been issued at the end of the meeting.

39. IAC was working closely with the Organization of African Unity (OAU) to adopt a more specific and regional instrument to protect children from harmful traditional practices.

40. The organizations she represented requested the Sub-Commission to support the holding of regional workshops and seminars in order to assess the outcome of previous such meetings and to mobilize public opinion. They furthermore proposed that the Office of the High Commissioner for Human Rights should include the issue of harmful traditional practices in its work programmes. Lastly, the Special Rapporteur on traditional practices should be given the opportunity to visit some of the affected countries in order to appreciate the problem and monitor progress made.

41. Ms. BOWDEN (Liberation) urged the countries which had signed the Beijing Declaration and Platform for Action to ensure their implementation.

42. In some parts of Pakistan, women were the victims of honour killings. A well-established custom in that country made it a right and duty of a family to put anyone - more often a woman - suspected of adultery to instant death. The law enforcers closed their eyes to or took a lenient view of such killings when the perpetrators claimed to have acted to save the family honour. In February 1997, some 20 persons, 18 of them women, had reportedly been killed in that way. Not one of those cases had been registered.

43. Domestic violence remained a common feature of family life around the world. It was estimated that in the United Kingdom one in four adult women were beaten by their partners and, despite the laws that existed, the problem was considered largely a private matter.

44. It was to be feared that child prostitution, which existed in many Asian countries, where organized gangs operated, would add to the number of AIDS victims. In the United Kingdom, too, there was growing concern at the increase in prostitution. Western countries were actually helping to fuel that problem by "importing" children from the developing world.

45. Liberation called upon the Sub-Commission to ask the Special Rapporteur on violence against women to undertake a visit to countries where violations of women's rights occurred and to make concrete recommendations to the Governments of those countries.

46. Ms. MITHAL SABRI JESSEN (General Arab Women Federation) said that, in the Arab countries, the organization she represented was working for the protection of women's rights as set forth notably by the Fourth World Conference on Women. In that regard, it should be recalled that the Shariah had confirmed the right of women to own property independently of their husbands. That was an important element in resisting discrimination.

47. In its efforts for the advancement of Arab women, the Federation was faced with major obstacles, including the very difficult living conditions of women especially in the Arab territories occupied by Israel and in Iraq. In that latter country, between 1990 and 1998 the number of newborn children weighing less than 2.5 kg had increased by 540 per cent and the number of deaths among children below the age of five had risen by 720 per cent because of poor nutrition due to the embargo. Furthermore, the disastrous economic situation had forced many women to give up working.

48. The General Arab Women Federation requested the international community and the Sub-Commission to redouble efforts to bring about the lifting of the sanctions imposed on Iraq over the past 10 years and to ensure respect for the human rights of the people of Iraq.

49. Ms. OUVIER (European Union of Public Relations) said that the United Nations Development Programme (UNDP), in its 1995 human development report, had concluded that in no society did women enjoy the same opportunities as men. Women performed two thirds of the world's work, received one tenth of its income and owned less than 1 per cent of its property. Gender bias was common even among the educated and enlightened.

50. Gender inequality in education was at the root of the inferiority that affected women at every stage of their lives. Two thirds of the world's 900 million illiterate people were women. Women and girls were thus caught in a vicious circle: illiterate mothers brought up illiterate daughters who were married off too early, lived in poverty, had many children and died prematurely. Education was the basic precondition for women's active participation in development.

51. In some States, discrimination against women was institutionalized. In Afghanistan, for example, women could not attend courses or exercise a professional activity. That rule applied even to a female breadwinner, thus endangering the lives of the children she had to support.

52. Globalization and the structural adjustment policies imposed by the International Monetary Fund (IMF) also had an adverse impact on women in developing countries with regard to education, nutrition and health.

53. The notion that the economic development level alone determined the role of women in decision-making was false. India, for example, had taken the bold step of reserving seats for women in local government and there were plans to do so in the legislature as well.

54. In order to eradicate all forms of discrimination on grounds of sex, States must ratify and, above all, implement the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights.

55. Mr. PARK said that the eradication of discrimination on the basis of sex was one of the greatest challenges currently facing the international community. Achieving that goal meant applying the principles set forth in the International Bill of Human Rights, and especially article 2 of the Universal Declaration of Human Rights, which provided that everyone was entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as sex.

56. As the United Nations High Commissioner for Human Rights had declared in a speech delivered in January 1998 at the United Nations University in Tokyo, the Universal Declaration of Human Rights was becoming customary international law and was perfectly apt for addressing the complex issues of discrimination on the grounds of gender or on the basis of sexual orientation.

57. The Convention on the Elimination of All Forms of Discrimination against Women adopted by the General Assembly in 1979 and the Nairobi Forward-looking Strategies for the Advancement of Women adopted in 1985 were also important steps in efforts to combat discrimination against women.

58. The World Conference on Human Rights held in Vienna in 1993 had recalled that the basic rights of women and the girl child were an inalienable, integral and indivisible part of human rights. The 1995 Beijing Declaration and Platform for Action had stated the goal of the achievement of equality, development and peace for all women everywhere in the interests of humanity. By 1998, 70 per cent of the 189 countries which had participated in the Beijing Conference had formulated national action plans on women's rights. It was to be hoped that the special session of the General Assembly entitled "Women 2000: Gender equality, development and peace for the twenty-first century" would help to achieve progress regarding the commitments agreed upon at the Beijing Conference. It was furthermore gratifying to note that the Statute of the International Criminal Court adopted in Rome designated acts of rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and other forms of sexual violence of comparable gravity as crimes against humanity and war crimes, and that the Commission on the Status of Women had finally adopted the optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The Sub-Commission had also contributed to the protection of women's rights through the efforts of its working groups, in particular the Working Group on Contemporary Forms of Slavery. A tribute should likewise be paid to Ms. Warzazi for her studies on traditional practices affecting the health of women and girl children.

59. Nevertheless, much still had to be done to ensure the full realization of women's rights. As the High Commissioner for Human Rights had stressed on the occasion of International Women's Day, on 8 March 1998, of the 1.3 billion people living in poverty, 70 per cent were women, the majority of the world's refugees were women, women and girl children were increasingly becoming victims of prostitution, and millions of girls were still subject to genital mutilation and women were regular victims of domestic violence.

60. The fact that serious violations of women's basic human rights were held to be justified by reference to culture, religion or tradition was also a matter of grave concern.

61. While safeguarding freedom of opinion and expression, the international community was actually condoning the use of the Internet and other new forms of communication technology for trafficking in human beings. Such non-action was another legitimate concern. In addition, more and more women losing their livelihoods as a result of the economic crisis were now compelled to work in the sex industry.

62. As had been pointed out by one African delegation, Governments were finding it increasingly difficult to provide for women's basic needs, especially in the fields of education, nutrition and health care, because of the debt burden and adverse structural adjustments.

63. To ensure the effective protection of women's rights, passing laws was not enough: such legislation also had to be enforced. Governments must therefore commit themselves unequivocally to meeting their obligations and to cooperating fully with the mechanisms of the United Nations.

64. It furthermore had to be recognized that in recent years an increasing number of non-governmental organizations had successfully conducted campaigns to enhance public awareness of women's potential to contribute to the well-being, stability and prosperity of their nations.

65. The necessary tools existed to ensure the full participation of, and equal opportunities for women at all levels in all societies. What was therefore needed was the political will to use them.

The meeting rose at 5 p.m.